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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))		Docket Number (Optional)
		12671-042001

First named inventor: John E.P. Syka

Application No.: 10/764,435

Art Unit: 2881

Filed: 1/23/2004

Examiner: Paul Gurzo

Title: Confining Positive and Negative Ions With Fast Oscillating Potentials

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)**

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ 1500 (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is January 21, 2005.

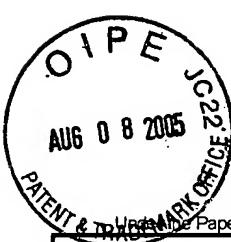
[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/09/2005 GWORD0F1 00000048 503267 10764435

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PTO/SB/64a (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

August 2, 2005

Date

Charles B. Katz
Typed or printed name

36,564
Registration Number, if applicable

Thermo Electron Corporation, 355 River Oaks Parkway
Address

408-965-6014
Telephone Number

San Jose, CA 95134
Address

Enclosures: Fee Payment
 Additional sheets containing statements establishing unintentional delay
 Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

August 3, 2005
Date

Signature

Diane Kizer
Typed or printed name of person signing certificate



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John E. P. Syka

Confirmation No.: 6074

Serial No.: 10/764,435

Group Art Unit: 2881

Filing Date: January 23, 2004

Examiner: Gurzo, Paul M.

Title: Confining Positive and Negative Ions with Fast Oscillating Electric Potentials

**STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN APPLICATION
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR
INTERNATIONAL FILING (37 C.F.R. §1.137(f))**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In support of the Petition to Revive Under §1.137(f) filed herewith, the undersigned states as follows:

1. On January 21, 2005, I filed a patent application under the Patent Cooperation Treaty (PCT) that was based on and claimed priority from the above-referenced U.S. patent application. The PCT application was accorded International application number PCT/US2005/001846 and an international filing date of January 21, 2005.
2. At the time of filing the aforementioned PCT application, I did not know that a nonpublication request had been filed in connection with the U.S. patent application, and accordingly did not file a rescission of the nonpublication request and a notification of international filing at that time.
3. I did not become aware of the nonpublication request until August 2, 2005. Immediately upon learning of the nonpublication request, I commenced preparation of the present Petition.



Attorney Docket No.: 12671-042001

Respectfully,

A handwritten signature in black ink, appearing to read "Charles B. Katz".

Charles B. Katz
Registration No. 36,564
Tel.: 408.965.6014

Date: August 2, 2005